

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1880**

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**Introduced by Assembly Member Blakeslee**

January 19, 2006

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~~An act to amend Section 4536 of the Penal Code, relating to escapes. An act to add Section 7200.08 to the Welfare and Institutions Code, relating to mental institutions.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1880, as amended, Blakeslee. ~~State hospitals: escapes. Atascadero State Hospital.~~

*Under existing law, the State Department of Mental Health has jurisdiction over 5 hospitals for the care, treatment, and education of the mentally disordered. Existing law requires that Atascadero State Hospital, which is one of these hospitals, be used whenever a person is committed to a secure facility for mental health treatment and placed in a state hospital at the discretion of the department, unless special circumstances preclude the placement.*

*This bill would require the State Department of Mental Health to take specified actions with respect to the administration of Atascadero State Hospital. In that regard, the bill would require the department to prohibit smoking in all areas inside the hospital, and to establish a psychiatric intensive care unit within a designated area of the hospital to be used as a temporary stabilization unit for patients in crisis. The bill would also require the department to establish a program, to the extent permitted by existing state law, for the payment of retention and recruiting bonuses for employees that are designed to improve employee retention and increase staffing capabilities at the*

*Atascadero State Hospital. The bill would require that the program be administered by the director of the hospital.*

~~Existing law provides for the punishment of any mentally disordered sex offender committed to a state hospital or other mental health facility who escapes from that facility or who escapes while being transported to or from that facility.~~

~~This bill would include sexually violent predators in that punishment provision. Because the bill would expand the scope of a crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 7200.08 is added to the Welfare and*
- 2     *Institutions Code, to read:*
- 3     *7200.08. Notwithstanding any other provision of law, the*
- 4     *State Department of Mental Health shall take all of the following*
- 5     *actions:*
- 6     *(a) Prohibit smoking in all areas inside the Atascadero State*
- 7     *Hospital.*
- 8     *(b) Establish a psychiatric intensive care unit within a*
- 9     *designated area of the Atascadero State Hospital to be used as a*
- 10    *temporary stabilization unit for patients in crisis. The psychiatric*
- 11    *intensive care unit shall also be used to isolate patients in crisis*
- 12    *from the general patient population in a secured area of the*
- 13    *hospital, to provide appropriate treatment to those patients, and*
- 14    *to accommodate the special needs of the patients until they can*
- 15    *be stabilized and prepared to reenter the general patient*
- 16    *population.*
- 17    *(c) Establish a program, to the extent permitted by state law,*
- 18    *for the payment of retention and recruiting bonuses for*
- 19    *employees that are designed to improve employee retention and*
- 20    *increase staffing capabilities at the Atascadero State Hospital.*

1 *The program shall be implemented and administered by the*  
2 *director of the hospital.*

3 *SEC. 2. Due to the unique circumstances of the Atascadero*  
4 *State Hospital relating to the specialized treatment of the*  
5 *mentally disorder in a secure facility that the bill is intended to*  
6 *address, a general statute cannot be made applicable within the*  
7 *meaning of Section 16 of Article IV of the California*  
8 *Constitution. Therefore, the special legislation contained in*  
9 *Section 1 of this act is necessarily applicable only to the*  
10 *Atascadero State Hospital.*

11 ~~SECTION 1. Section 4536 of the Penal Code is amended to~~  
12 ~~read:~~

13 ~~4536. (a) Every person committed to a state hospital or other~~  
14 ~~public or private mental health facility as a mentally disordered~~  
15 ~~sex offender or sexually violent predator, who escapes from or~~  
16 ~~who escapes while being conveyed to or from that state hospital~~  
17 ~~or other public or private mental health facility, is punishable by~~  
18 ~~imprisonment in the state prison or in the county jail not to~~  
19 ~~exceed one year. The term imposed pursuant to this section shall~~  
20 ~~be served consecutively to any other sentence or commitment.~~

21 ~~(b) The medical director or person in charge of a state hospital~~  
22 ~~or other public or private mental health facility to which a person~~  
23 ~~has been committed as a mentally disordered sex offender or~~  
24 ~~sexually violent predator shall promptly notify the chief of police~~  
25 ~~of the city in which the hospital or facility is located, or the~~  
26 ~~sheriff of the county if the hospital or facility is located in an~~  
27 ~~unincorporated area, of the escape of the person, and shall~~  
28 ~~request the assistance of the chief of police or sheriff in~~  
29 ~~apprehending the person, and shall, within 48 hours of the escape~~  
30 ~~of the person, orally notify the court that made the commitment,~~  
31 ~~the prosecutor in the case, and the Department of Justice of the~~  
32 ~~escape.~~

33 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
34 ~~Section 6 of Article XIII B of the California Constitution because~~  
35 ~~the only costs that may be incurred by a local agency or school~~  
36 ~~district will be incurred because this act creates a new crime or~~  
37 ~~infraction, eliminates a crime or infraction, or changes the~~  
38 ~~penalty for a crime or infraction, within the meaning of Section~~  
39 ~~17556 of the Government Code, or changes the definition of a~~

- 1 ~~crime within the meaning of Section 6 of Article XIII B of the~~
- 2 ~~California Constitution.~~

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